



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Notarnicola
Serial No.: 09/475,500
Filed: December 30, 1999
Confirmation No.: 6392
For: **DISPENSER**

Examiner: J. Nguyen
Art Unit: 3653

Commissioner for Patents
Washington, DC 20231

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Sir:

RESPONSE AND PETITION FOR EXTENSION OF TIME

This is a response to the Office Action mailed February 26, 2002. In addition, please provide a one-month Extension of Time up to and including June 26, 2002 to answer the Office Action as provided for in 37 CFR 1.136. A check for \$165.00 for a one-month Extension of Time Fee and a Terminal Disclaimer Fee is included.

If any further Extension of Time or additional fees for the accompanying response are required, Applicant requests that this be considered a Petition therefore. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account 501923.

Remarks

The Office Action mailed February 26, 2002 has been carefully considered. Claims 1-39 were withdrawn in response to a restriction requirement. As such, Claims 40-43 remain in the case with none of the claims being allowed.

The primary basis for rejection under 35 U.S.C. 103 is commonly owned U.S. Patent No. 6,089,499 (Robinson) which issued after the filing date of the present invention. While the Examiner did not reject these claims under the doctrine of obviousness-type double patenting, the Applicant believes that may be an appropriate basis for rejection. Accordingly, Applicant has prepared and filed a Terminal Disclaimer to remove this reference.

The Applicant submits that by this response he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains

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unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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Date: June 26, 2002
File No.: 4585-001

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